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UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

In Re:)	Case No. 05-05926-PBINV
)	
FRANCIS J. LOPEZ,)	EVIDENTIARY OBJECTIONS TO
)	DECLARATION OF FRANCIS LOPEZ
Alleged Debtor.)	
)	[BIFURCATED PHASE II]
)	
)	Date: January 28, 2008
)	Time: 10:30 a.m.
)	Judge: The Honorable Peter W. Bowie
)	Ctrm: 4
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TO: THE HONORABLE PETER W. BOWIE, UNITED STATES BANKRUPTCY
JUDGE:

Petitioning Creditors respectfully submit the following evidentiary objections, and hereby move to strike the specified portions of the "Declaration of Francis Lopez" submitted in support of his "Opposition of Alleged Debtor to Motion for Terminating Sanctions" (the "Lopez Declaration").

REQUEST FOR RULING ON OBJECTIONS AND MOTION TO STRIKE

Petitioning Creditors respectfully request that this Court issue rulings on the following evidentiary objections and motion to strike prior to ruling on the merits of their Motion.

EVIDENTIARY OBJECTIONS

Pursuant to the Federal Rules of Evidence ("FRE"), made applicable herein by Rule 9017 of the Federal Rules of Bankruptcy Procedure, Paragraph 2, lines 8 - 9, of the Lopez Declaration should be stricken:

TESTIMONY	OBJECTIONS
<p>Paragraph 2, lines 8 - 9: "I did not make the sanctions payment because I was unable to come up with the full amount of sanctions in Mid-December."</p>	<p>Lack of Foundation. Lopez fails to identify any of the facts or circumstances which caused him to conclude that he would be unable to pay the sanctions on or before the 12/18/2007 deadline. Without this foundation, the testimony is inadmissible. FRE 104.</p> <p>Improper Lay Opinion. By failing to provide any factual foundation for his alleged inability to pay the sanctions, Lopez has failed to meet the statutory prerequisites for proffering an admissible opinion based on facts that he personally perceived. FRE 701. Specifically, Lopez does not provide sufficient foundational facts for this Court to conclude that his proffered opinion is "<i>rationally based on the perception of the witness.</i>" FRE 701.</p>

Dated: January 22, 2008

KEEHN & ASSOCIATES
 A Professional Corporation

By: //s// Leslie F. Keehn
 Leslie F. Keehn
 Attorneys for **Petitioning Creditors**

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